

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Veterinary Medical Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102

RECEIVED and FILED by
NEW JERSEY STATE
VETERINARY MEDICAL EXAMINERS
on this date of: 5-28-10



PAUL T. DOW
Attorney General

May 3, 2010

SHARON M. JOYCE
Acting Director

BY CERTIFIED AND REGULAR MAIL

Mailing Address:
P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

Chester Paulus, D.V.M.
Paulus Animal Hospital
Post Office Box 7095
141 Hoe Lane
New Brunswick, New Jersey 08902

Re: I/M/O CHESTER PAULUS, D.V.M.
Complaint Number: 08-035

Offer of Settlement in Lieu of Disciplinary Proceeding

Dear Dr. Paulus:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners ("Board") has had an opportunity to review a consumer complaint, filed by Chitra Rodriguez, concerning the professional conduct you rendered at the Paulus Animal Hospital ("Banfield"). The complaint alleges, among other contentions, that you engaged in negligence and professional misconduct in your treatment of "Beauty" Rodriguez, in January 2008, then a ten (10) year old cat.

Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. A complaint, filed on or about March 14, 2008, by Chitra Rodriguez, as well as any and all attachments and exhibits;
2. An undated correspondence from Chester Paulus, D.V.M., as well as any and all attachments and exhibits; and
3. Medical records of "Beauty" Rodriguez.

Upon review of all available information, the Board has found that probable cause exists to support a finding that you failed to comply with the provisions of the Veterinary Medical Practice Act and its accompanying regulations which are administered by the Board. Specifically, the Board found you violated N.J.S.A. 45:1-21(h), in that you failed to keep adequate medical records contrary to N.J.A.C. 13:44-4.9.

The Board's review of this matter revealed that Beauty was presented to you on or about January 16, 2008 with complaints that the cat had been vomiting for two to three days and that she was lethargic. You examined the cat and diagnosed jaundice. You further recommended that Beauty be admitted into the Hospital in order to undergo diagnostic testing, including blood work and radiographs. The owner agreed and the cat was admitted, administered fluids and antibiotics and blood work was begun. Beauty's condition deteriorated overnight and in the following morning. Radiographs were performed. You contacted the owner to advise of her of the cat's condition and you sought consent for further treatment which was declined. The owner took Beauty home and the cat later died.

The Board, in its review of this complaint, has concluded that there is insufficient evidence to initiate any formal disciplinary action against you relative to the veterinary care provided to Beauty. However, the Board, in its review of this matter, had the opportunity to review the patient records you submitted. The Board has concluded that you violated its patient record regulation by failing to create and maintain medical records for Beauty that comply with its regulation, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a).

Specifically, the Board found that your records failed to contain important and necessary information relative to the veterinary services provided to Beauty as required by N.J.A.C. 13:44-4.9. Namely, the Board concluded that the records did not contain the following: 1) no name of the facility and identification of the treating veterinarian; 2) all pertinent symptoms and signs observed, as there was no documentation or notations of physical examination findings; and 3) such other notes as to provide a clear statement of the patient's condition and the veterinary evaluation and response, in that there were no notations of conversations and/or communications held between veterinarian and owner and the records are difficult to maneuver through and do not contain enough information so as to provide a clear statement as to the patient's condition.

At this juncture, the Board has determined that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has decided that it will first offer you an opportunity to settle this matter, thereby avoiding the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from violations of the patient records rule, namely N.J.A.C. 13:44-4.9(a); and
2. Pay a civil penalty in the amount of **\$1,000.00** for record keeping violations, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter for your violations of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a).

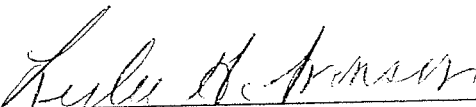
If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

In the event that you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's Office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event that formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions, concerning this letter or the settlement offer herein, I suggest you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate disciplinary action.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By:



LESLIE G. ARONSON
Executive Director

ACKNOWLEDGMENT: I, **CHESTER PAULUS, D.V.M.**, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct that has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of **\$1,000.00** for failing to comply with the requirements of N.J.A.C. 13:44-4.9. I also agree to comply with all other requirements set forth in this settlement letter.



CHESTER PAULUS D.V.M.

DATED: 5/28/10

cc: Olga E. Bradford, Deputy Attorney General